

CHAPTER XVI
PROPERTY MAINTENANCE CODE

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16.01 TITLE

This Chapter of the Code of General Ordinances shall be known as "Property Maintenance Code" of the City of Kenosha, Wisconsin, hereinafter referred to as "this Code" or "Code".

16.02 DEFINITIONS

A. General.

1. **Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings stated in this Section.

2. **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter;

the singular number includes the plural; and the plural includes the singular, except where the context indicates another interpretation.

3. **Terms Defined Elsewhere.** Where terms are not defined in this Code and are defined in other City Ordinances, Codes, or ASHRAE and NFPA 70, such terms shall have the meanings ascribed to them therein in those Codes.

4. **Terms Not Defined.** Where terms are not defined herein, or through the methods of interpretation authorized by this Section, such terms shall have ordinarily accepted meanings, such as the context indicates.

5. **Parts.** Whenever the words "structure", "accessory structure", "dwelling unit", "dwelling", "premises", "building", "lodging house", or "lodging room", are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof".

6. **"Shall".** The word "shall" is mandatory and not discretionary.

7. **"May".** The word "may" is permissive.

8. **Phrases.** The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

9. **Other Terms.** Terms defined in other sections of this Code shall have the meaning stated therein.

B. General Definitions.

Abutting Right-of-Way. The sidewalk adjoining the property line.

Accessory Building/Structure. A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; i.e., a child's playhouse, garden house, greenhouse, garage, carport, shed, fence, or retaining wall.

Approved. Approved by the Code Official under the provisions of this Code or approved by an authority designated by State law or this Code.

Attractive Appearance. An appearance which is in accordance with generally accepted professional practices for new construction within the City and which is not likely to adversely affect the values of the property in issue or of abutting or neighborhood properties.

Basement. That portion of a building which is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. A room or space used or intended to be used for sleeping purposes.

Building. A combination of material to form a construction that is safe and stable, and adapted to permanent or continuous occupancy in accordance with the Zoning Ordinance.

Code of General Ordinances. City of Kenosha

Code of General Ordinances.

Code Official. The Director of the Department of Neighborhood Services and Inspections, or any duly authorized designee of the Director.

Commercial. Arranged, designed, used or intended to be used for nonresidential occupancy.

Condemn. To adjudge unfit for any occupancy.

Department. The Department of Neighborhood Services and Inspections.

Dwelling. A place of abode, a residence, a house or multiple dwelling units for use by one (1) or more persons, including lodging houses, but excluding hotels, motels, and tourist rooming houses.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Effectively Screened. The use of any acceptable screening materials that comply with the City of Kenosha Zoning requirements and results in a screening that is at least seventy-five (75%) percent opaque.

Efficiency Dwelling Unit. A dwelling unit with separate bathroom and kitchen facilities; separate bedroom is optional.

Egress Window. Shall have the meaning provided in ILHR 21.03 of the Wisconsin Administrative Code.

Exterior Premises. The open space on the premises or the portion of the premises upon which there is no structure.

Exterior Storage. Storage of raw materials, equipment parts, bulk commodities or any other items or materials used in business carried out on the premises.

Extermination. The control and elimination of insects, rats, vermin or other pests by controlling their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Good Repair. Free from blighting and hazardous conditions, clean and sanitary, and in a safe condition.

Good Working Condition. Capable of performing the task for which it was designed and in the manner intended by this Code.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Imminent Hazard. A condition which could cause serious or life threatening injury or death at any time.

Impervious To Water. Constructed of concrete, cement block, terrazzo, brick, tile or other material

approved by the Code Official and having tight-fitting joints, and prohibiting the movement of water.

Infestation. The presence, within or contiguous to a structure or upon premises, of insects, rats, vermin or other pests, detrimental to human health.

Labeled. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let For Occupancy Or Let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, premise or structure to a person who is or is not the legal owner of record thereof, pursuant to a written lease, or unwritten agreement or license.

Lodging House. A dwelling containing three (3) or more lodging rooms.

Lodging Room. A room, excluding hotel rooms, within a lodging house let and used primarily for the sleeping and living purposes of one (1) person, which room may exclude cooking facilities and sanitary facilities.

Mixed Occupancy. Occupancy of a structure in part for residential use and in part for some other lawful use under the Zoning Ordinance not accessory thereto.

Motor Vehicle(s). "Motor Vehicle(s)" shall include mobile home, moped, motor bicycle, motorbus, motorcycle, motor-driven cycle, motor home, motor truck and motor vehicle as defined in Chapter 340, Wisconsin Statutes.

Nonresidential. Arranged, designed, used or intended to be used for occupancy which is not residential in nature.

Nuisance Boat(s). Any inoperable, unlicensed or unwaterworthy boat.

Nuisance Motor Vehicle(s). Any inoperable, unlicensed, unroadworthy, disassembled or wrecked motor vehicle. A vehicle for which a license has been applied for shall be herein deemed a licensed vehicle if proof of application is prominently displayed on the front windshield.

Occupancy. The use of a structure or premises.

Occupant. Any individual having lawful occupancy, living, or sleeping or working in a structure or having or exercising possession of a space within a structure, whether or not a tenant.

Openable Area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person, other than the owner, who has charge, care and control of a structure or premises, including maintenance responsibility, which is let or offered for occupancy.

Owner. Any person having a title to the premises, as recorded in the Office of the Register of Deeds for Kenosha County, or as recorded in the City of Kenosha assessment rolls.

Person. Any natural person, firm, partnership, corporation, or legal entity.

Premises. Any lot, whether or not improved with a principal or accessory building. When a lot is improved with a structure, the lot and premises shall be jointly referred to as premises.

Provided. Furnished, supplied, paid for or under control of the responsible person.

Public Nuisance. An unreasonable activity or use of premises that interferes substantially with the comfortable enjoyment of life, health and safety of another or others.

Residential. Arranged, designed, used or intended to be used for residential occupancy.

Responsible Person. The owner, operator or manager of any structure or premises.

Rodent Harborage. A place of shelter for rodents; e.g., piles of rubbish, inoperable motor vehicles, garbage.

Roof Covering. The exterior roof cover or skin of the roof assembly, consisting of membrane, panels, sheets, shingles, tiles, etc.

Rubbish. Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Screening. A hedge, wall or fence to provide a visual separation and a physical barrier not less than three (3') feet in height, nor more than six (6') feet in height, unless otherwise provided for in the City Code of General Ordinances or Zoning Ordinance.

Smoke Detector. A device which detects particles or products of combustion other than heat.

State Laws. The laws, rules and regulations of the State of Wisconsin.

Structure. Any existing principal building, whether or not inhabited or inhabitable, and any existing accessory building, such as a garage, which is not inhabited or inhabitable. Structure may also be included within the meaning of premises, as indicated by the context.

Tenant. A person occupying a premises under a written lease, rental agreement or license, or recognized under State law as having a month-to-month tenancy.

Toilet Room. A room containing a water closet or urinal, but not a bathtub or shower.

Ventilation. The natural or mechanical process of supplying conditioned or nonconditioned air to, or removing such air from, any space.

Waste. "Waste" shall mean and include

garbage (all rejected matters that are subject to decomposition), ashes, rubbish and trash, but not of an earthly or construction nature.

Weeds. "Weeds" or "Noxious Weeds" shall mean Canada Thistle, leafy spurge, field bindweed (Creeping Jenny), Ambrosia trifida (commonly called Giant Ragweed), Arubuoisia artemeslifla (commonly called Common Ragweed), and such other weeds as are defined in "Weeds of the North Central States, North Central Regional Research Publication No. 281, Bulletin 772", published by the University of Illinois at Urbana-Champaign, College of Agriculture, Agricultural Experiment Station.

Workmanlike. Work executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work; in accordance with generally accepted professional procedures and construction standards.

Yard. An open space on a lot improved with a structure.

Zoning Ordinance. City of Kenosha Zoning Ordinance.

16.03 GENERAL

A. Scope. The provisions of this Code shall apply to all existing residential and nonresidential structures and all Premises and constitute minimum requirements and standards for Premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; determine the responsibility of owners, operators, and occupants; regulate the occupancy of existing structures and Premises, and provide for the administration and enforcement of this Code and provide for penalties for conviction of violation of this Code.

B. Intent. This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the occupancy and maintenance of structures and Premises. The establishment and enforcement of minimum residential and nonresidential property maintenance standards is necessary to preserve and promote the public interest and protect private property. This includes, among others, the protection of physical, aesthetic and monetary values. Existing structures and Premises that do not comply with these provisions shall be altered or repaired by the responsible person to provide compliance with this Code.

C. Severability.

1. If any provision of this Code is, for any reason, held to be unconstitutional, invalid, or unenforceable by any court of competent jurisdiction,

such judgment shall not affect the validity of the remaining provisions of this Code, which shall remain in full force and effect.

2. If the application of any provision of this Code is for any reason held to be an invalid application to a particular Premises or structure by any court of competent jurisdiction, such provision shall continue to apply and remain in full force and effect to any Premises or structure not specifically included in said judgment.

16.04 APPLICABILITY

A. General. The provisions of this Code shall apply to all matters affecting or relating to existing structures and to Premises, as set forth herein. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. The provisions of this Code shall not apply to the construction of new structures, which are subject to other State laws, and City Ordinances.

B. Conflict. In any case where a provision of this Code is found to be in conflict with a provision of the Zoning Ordinance or Code of General Ordinances, the provision which established the higher standard for the protection of the public health, safety and welfare shall prevail.

C. Responsibility for Maintenance. Except as otherwise specified herein, each responsible person or tenant where relevant, as designated herein, shall be responsible for the maintenance of structures and Premises under this Code and subject to penalty for conviction of any violation of this Code.

D. Prior Regulations. Equipment, systems, devices and safeguards required by a previous State law, Ordinance or code under which the structure was constructed, altered or repaired or Premises developed, shall be maintained in good repair and in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in good repair and in good working order in structures.

E. Application of Other Ordinances. Nothing contained herein shall be deemed to authorize the use of a structure or Premises contrary to any other provision of the Code of General Ordinances or the Zoning Ordinance. Repairs, additions or alterations to a structure, shall be done in accordance with the procedures and provisions of State law and **Chapter 9** of the Code of General Ordinances and NFPA 70. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance.

F. Existing Remedies. The provisions in this Code shall not be construed to abolish or impair existing remedies of the City or its officers or agencies under State laws or other City General or Zoning Ordinances relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary or the abatement of public nuisances.

G. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

H. Historic Buildings. The provisions of this Code shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with Chapter 15 of the Zoning Ordinance and Chapter 70 ILHR of the Wisconsin Administrative Code.

I. Referenced Statutes, Ordinances, Codes and Standards. The Statutes, Ordinances, codes and standards referenced in this Code shall be incorporated herein by reference and be a part of the requirements of this Code to the prescribed extent of each such reference and include amendments, renumbering and successor acts.

J. Requirements Not Covered By This Code. Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official, subject to a right of appeal to the Board of Housing Appeals.

16.05 CODE OFFICIAL

A. Code Official. The Code Official shall have the authority to exercise the powers and duties of the position specified in this Code.

B. Code of Conduct. The Code Official, in administering and enforcing this Code, shall abide by the City of Kenosha's Code of Ethics and the Department's Code of Conduct.

16.06 POWERS AND DUTIES OF CODE OFFICIALS

A. General. The Code Official shall administer and enforce this Code.

B. Inspections. The Code Official has the power to inspect Premises and structures to

determine compliance with this Code. All reports of such inspections shall be in writing, signed or initialed and dated. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with Department policy.

C. Right Of Entry. The Code Official is authorized to enter structures or Premises, at reasonable times, with the express or implied consent of the owner, operator or occupant, to inspect in accordance with the Department's Policy and Procedure for Entering Onto Private Property to conduct administrative interior and exterior inspections for Code administration and enforcement and Licensing/Permitting purposes specified in other ordinances. If entry is refused or not obtained, the Code Official is authorized to pursue recourse to obtain entry as provided by law.

D. Reinspections. Every owner, operator and occupant of a Premises shall cooperate with and facilitate reinspections of Premises at reasonable times pursuant to reasonable notice by the Code Official to determine Code compliance with an Order to Repair. Failure by said owner, operator or occupant to cooperate with and facilitate such reinspections by the Code Official shall be a violation of this Code.

E. Obstruction. No owner, or operator of a Premises may deny the Code Official the right to enter and inspect any portion thereof under the control of a lawful occupant where such occupant has consented to said entry and inspection.

F. Denial of Entrance. No occupant of a Premises shall obstruct the owner thereof from complying with any order(s) of the Code Official made under authority of this Code. Obstruction shall include the denial of entrance into a Premises at reasonable times pursuant to reasonable notice.

G. Identification. The Code Official shall carry Department issued identification when entering and inspecting Premises in the performance of their duties under this Code and display such identification, when asked.

H. Notices and Orders. The Code Official shall, as necessary, issue notices and orders to responsible persons and tenants, where relevant, to obtain compliance with this Code.

I. Department Records. The Director of the Department is responsible for keeping official records of all business and activities of the Department specified in the provisions of this Code in accordance with State and City record keeping requirements.

16.07 APPROVAL OF ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT

A. Modifications. Whenever there are practical difficulties involved in achieving strict compliance with the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes enforcement of the strict letter of this Code impractical and the modification will be in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety protection. The details of action granting such modifications shall be recorded and entered in the Department records.

B. Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction or equipment not specifically prescribed by this Code, provided that any such alternative has been approved, as hereinafter provided. An alternative material or method of construction or equipment shall be approved where the Code Official finds that the proposed alternative complies with the intent of the provisions of this Code, and that the material, method, or equipment proposed is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

C. Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material, method or equipment does not conform to the requirements of this Code, or in order to substantiate claims of suitability for alternative materials, methods, or equipment, the Code Official shall have the authority to require tests to be made at no expense to the City, to determine compliance with this Code.

1. Test Methods. Test methods shall be generally recognized and accepted in the profession.

2. Testing Agency. All tests shall be performed by an agency approved by the Code Official.

3. Test Reports. Reports of tests shall be retained by the Director of the Department for the period required for retention of public records.

16.08 VIOLATIONS

A. Violations. It shall be a violation of this Code for any responsible person or tenant, where relevant, to fail to timely comply with any of the provisions of this Code.

B. Notice of Violation. The Code Official shall serve a notice of violation and order to repair in accordance with this Code.

C. Prosecution of Violation. If the order to repair is not complied within a timely manner, the Code Official shall initiate the appropriate proceeding at law or in equity to restrain, correct or abate such violation, and to require the removal or termination of the unlawful occupancy of the Premises.

16.09 NOTICES AND ORDERS

A. Notice of Violation and Order To Repair. Whenever the Code Official determines that there has been a violation of this Code, notice shall be given to the responsible person or tenant, where applicable, in the manner and form prescribed in this Code.

B. Form. Such notice and order shall:

1. Be in writing.
2. Include a statement of the violation with reference to the applicable provision(s) of this Code.
3. Contain an Order to Repair and allow a reasonable date certain for the violation to be corrected.
4. Include a notice of the appeal process.
5. Be served upon the responsible person or tenant, where relevant.

C. Method of Service. Such notice and order shall be deemed to be properly served if a copy thereof is:

1. Personally served in the manner provided for in State Statutes for service of process; or,
2. Sent by certified mail addressed to the last known address; or,
3. Sent by U.S. first class mail, postage prepaid, addressed to the last known address; and,
4. Posted in a conspicuous place on or about the main entrance to the structure, where there is a structure.

D. Recurring Violations.

1. Whenever there has been a notice of violation and order issued to the responsible person or tenants, where relevant, for a violation of this Code, no further notice and order shall be necessary for any reoccurrence of the same or similar violation prior to the commencement of any reinspection fees and/or forfeiture action or prior to seeking an injunction in a court of record.

2. Whenever there has been a complaint and subsequent notice of violation and order issued to the responsible person or tenants, where relevant, for

any violation of this Code, or order issued pursuant to Charter Ordinance No. 28, no further notice and order shall be necessary following a third complaint and violation of this Code, or order issued pursuant to Charter Ordinance No. 28, or any combination thereof, within a twelve (12) month period prior to the commencement of any reinspection fees and/or forfeiture action, or prior to seeking an injunction in a court of record.

E. Public Information. Notices and orders may be posted on the City Web Page for purposes of public information.

16.10 UNSAFE, UNFIT FOR OCCUPANCY, UNLAWFULLY OCCUPIED AND VACANT SUBSTANDARD STRUCTURES AND UNSAFE EQUIPMENT SUBJECT TO CLOSING AS A PUBLIC NUISANCE

A. Definitions. The following words and phrases shall have the meaning hereinafter provided:

1. Unsafe Structure means a Structure that Endangers Safety for reason that it is in imminent danger of failure or collapse, or a part of it has failed or collapsed, or it is in a condition of decay or dilapidation, or it has the presence of explosives, explosive fumes or vapors, toxic fumes, gases or materials, or it is the subject of the operation of Equipment.

2. Structure Unfit For Occupancy means a Structure which is an Unsafe Structure; or, a Structure which is unfit for habitation, occupancy or use because of the degree to which the Structure is dilapidated, in disrepair or lacks maintenance, or a Structure which is unsanitary, vermin or rat infested, contains filth and contamination, or which lacks ventilation, illumination, sanitary or heating facilities, or other essential Equipment required by this Code.

3. Unsafe Equipment means any Equipment within the Structure or servicing the Structure which is in such disrepair or condition that such Equipment is unsafe for operation and use.

4. Unlawful Structure means a Structure in whole, or in part, occupied by more persons than permitted under this Code, or a Structure which is erected, altered or occupied contrary to State law, or to the City Code of General Ordinances or Zoning Ordinance.

5. Vacant Substandard Structure means a vacant Structure that has been damaged by fire, water, wind, animals, or vandalized and/or entered and inhabited and unfit for habitation or occupancy.

6. Endanger(s) Safety means to threaten to or to injure or damage any person or property, or the life, health and safety of any person.

7. Equipment shall mean all piping, ducts, vents, control devices and other components of systems that are permanently installed and integrated in the Structure to provide control of environmental conditions, plumbing, electrical and heating systems, and other systems specifically regulated in this Code. Equipment does not include appliances.

8. Close/Closed/Closing means to vacate, cease operation or use, and/or secure.

9. Emergency Measures means to vacate, secure or temporarily repair a Structure or Close public streets, sidewalks, ways and places due to a Public Nuisance which imminently Endangers Safety.

10. Open and Accessible Structure means a Structure which has no barrier to unlawful entry.

B. Public Nuisance. When any Structure is found by the Code Official to be Unsafe or Unfit for Occupancy, Unlawful or Vacant Substandard, such Structure is deemed a Public Nuisance which may be Closed to habitation, occupancy and use pursuant to the provisions of this Code. When Equipment is found by the Code Official to be unsafe for operation and use, such Unsafe Equipment is deemed a Public Nuisance which may be Closed to operation and use pursuant to the provisions of this Code.

C. Prohibition. No person or party may maintain or permit a Structure or Equipment to be a Public Nuisance within the City.

D. Closing of Structures and Equipment. If a Structure is found by a Code Official to be Unsafe, Unfit for Occupancy, Unlawful, Vacant Substandard or contain Unsafe Equipment, the Code Official is authorized to order the Structure and/or Unsafe Equipment Closed by a date certain. Upon failure of the Responsible Person to Close the Structure or Unsafe Equipment within the time specified in the order, the Code Official may cause the Structure or Unsafe Equipment to be Closed through its employees or agents, or by contract or arrangement by private persons and placarded.

E. Special Assessments. Costs incurred in the abatement of a Public Nuisance shall be paid by the City and the Code Official shall recover the costs through special assessments levied against the benefited property. A One Hundred (\$100.00) Dollar administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.

F. Notice and Order. Whenever the Code Official has ordered the Closing of a Structure or Unsafe Equipment as a Public Nuisance, the notice and order shall be posted in a conspicuous place on or about the Structure or Unsafe Equipment affected by such notice and served on the Responsible Person as prescribed in **Section 16.09**.

G. Placarding. Upon failure of the Responsible Person served with a Notice and Order to abate or remove the Public Nuisance and/or Close the Structure or Unsafe Equipment in accordance with the order within the time given, the Code Official shall post on the Structure a placard bearing the words "Unfit For Habitation/Occupancy", and on Unsafe Equipment, a placard bearing the words "Unsafe For Operation/Use".

H. Prohibited Occupancy. Any person who enters, inhabits, or who occupies or uses a placarded Structure or operates or uses placarded Unsafe Equipment, and any Responsible Person who authorizes or permits anyone to enter, inhabit or occupy or use a placarded Structure or operate or use placarded Unsafe Equipment shall be in violation of this Code. For purposes of performing inspection, replacement, repair, maintenance or restoration work required to bring the Structure or Unsafe Equipment into compliance with this Code, any person may enter, occupy or use any Structure, or repair, replace or remove any Unsafe Equipment which has been Closed between the hours of 7:00 A.M. and 9:00 P.M., daily, or any other time authorized in writing by the Code Official.

I. Removal of Placard.

1. The Code Official shall remove the placard whenever the violations of this Code upon which the placarding was based have been eliminated.

2. Any person who defaces or removes a placard without the approval of the Code Official shall be in violation of this Code.

J. Securing and Maintaining a Vacant Substandard Structure.

1. Securing a Vacant Substandard Structure. The Responsible Person shall abate the Public Nuisance by securing the Vacant Substandard Structure against entry by adequately boarding up doors, windows, and other openings in a Workmanlike manner so as to prevent illegal entry, vandalism, and/or damage. Animals, animal nests and animal nesting materials shall be removed. Securing a Structure shall be done in accordance with the Standards for Securing Structures set forth in **Section 16.101** of this Code.

2. Maintaining Equipment in Vacant Substandard Structures. The Responsible Person shall maintain Equipment at all times in a safe condition, inactivated or drained so as to prevent the possibility of damage to the Structure by the failure of such Equipment, and so as to prevent hazardous and/or dangerous conditions.

K. Securing An Open and Accessible Structure. An Open and Accessible Structure which Endangers Safety is deemed a Public Nuisance. The Responsible Person shall, upon written or verbal notice from the Code Official, secure an Open and Accessible Structure in accordance with the Standards for Securing Structures set forth in **Section 16.101** of this Code.

16.101 STANDARDS FOR SECURING STRUCTURES

A. Boarding. Any vacant or inhabited Structure deemed a Public Nuisance under this Ordinance and requiring securing shall be secured as follows:

1. At least one (1) door boarded and secured at the grade level shall be maintained with locks and hinges to permit entry for inspection purposes.

2. All doors and windows on ground level and those doors and windows accessible to grade by stairs or permanently fixed ladders within ten (10') feet of grade shall be boarded and secured, unless directed otherwise by the Code Official.

3. Boards shall be cut to fit door and window openings, and screws at least two (2") inches in length shall be used to fasten boards to the Structure. One-half (1/2") inch or three-quarter (3/4") inch wood or plywood shall be used.

4. The boarded material shall be painted to match the trim or siding color of the Structure or be painted flat white.

5. Alternate methods of boarding may be permitted upon written approval by the Code Official.

B. Fencing. When any Structure has been damaged by fire, water, illegal entry, or other cause; when hazardous or dangerous conditions exist; and, when such Structure cannot be secured by conventional locking or boarding up windows and doors, such Structure shall be fenced off so as to prevent access and entry to the Structure and the area immediately surrounding the Structure within twenty-four (24) hours of the damage.

C. Prohibition. No person or party shall board or fence a Structure contrary to the Standards

contained in Sections **16.101 A.** and **B.**

D. Special Assessments. In the event the Responsible Person fails to comply with an order of the Code Official to secure the Structure in accordance with the Standards for securing Structures set forth in this Code, where applicable, the Code Official shall have the Structure properly secured. Costs incurred in securing the Structure shall be paid by the City and the Code Official shall recover such costs through special assessments levied against the benefited property. A One Hundred (\$100.00) Dollar administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.

16.11 EMERGENCY MEASURES

A. Emergency Closing of a Structure. When, in the opinion of the Code Official, a Structure or Unsafe Equipment is a Public Nuisance under **Section 16.10**, and there is imminent danger of failure or collapse of a Structure, or a part of any Structure has fallen and the occupation of the remaining Structure will Endanger Safety, or there is actual or potential danger to the occupants, users or those in the proximity of any Structure, the Code Official is authorized and empowered to order and require the Responsible Person to Close the Structure forthwith. The Code Official shall, in such event, cause such Structure to be placarded at each entrance with a placard bearing the words: "Unfit For Habitation/Occupancy".

In the event the Code Official has required a Structure to be Closed, it shall be unlawful for any person to enter, inhabit, occupy or use such Structure, except for the purpose of securing the Structure, making the required repairs, removing the hazardous condition, demolishing the Structure, or otherwise securing compliance with an order of the Code Official.

B. Emergency Securing and Repairs. Notwithstanding any other provisions of this Code, in the event the Code Official has required the Emergency Closing of a Structure, or identified an Open and Accessible Structure which Endangers Safety, the Code Official may cause the securing of the Structure to render such Structure temporarily safe, whether or not the procedure described in this Code for providing notices and orders has been instituted; and, shall cause such other reasonable action to be taken as the Code Official deems necessary to meet such emergency. The Code Official may also employ the necessary labor and materials to perform or cause to be performed emergency repairs as expeditiously as possible.

C. Closing Public Streets, Sidewalks, Ways and Places. The Code Official may temporarily order the authority having jurisdiction to Close streets, sidewalks, public ways and public places adjacent to Unsafe Structures, and prohibit the same from being used while any Unsafe Structure Endangers Safety.

D. Special Assessments. Costs incurred in the performance of emergency repairs shall be paid by the City and the Code Official shall recover the costs through special assessments levied against the benefited property. A One Hundred (\$100.00) Dollar administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.

16.12 RAZING STRUCTURES

A. Definitions. The following words and phrases shall have the meaning hereinafter provided:

1. **"Structure"** includes any portion of a Structure.

2. **"Raze the Structure"** means to demolish and remove the Structure and to restore the site to a dust-free and erosion-free condition.

3. **"Condemn"** means the process of issuing a Raze Order and razing a structure.

B. Administration and Enforcement. The Code Official is authorized to administer and enforce Section 66.0413, Wisconsin Statutes, entitled "Razing Buildings", which is incorporated herein by reference as if fully set forth herein, and any successor statutes.

C. Raze Order.

1. The Code Official may issue a Raze Order:

a. If a Structure is old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and unreasonable to repair, order the owner of the Structure to Raze the Structure; or, if the Structure can be made safe by reasonable repairs, order the owner to either make the Structure safe and sanitary, or to Raze the Structure at the owner's option.

b. If there has been a cessation of normal construction of a Structure for a period of more than two (2) years, order the owner of the Structure to Raze the Structure.

2. The Raze Order shall identify:

- a. The basis for the Raze Order.
- b. The time for compliance.

D. Reasonableness of Repair. Except as provided in Section 66.0413(3), Wisconsin Statutes, if the Code Official determines that the cost of repairs of a Structure described in Section 16.12 C.1. would exceed fifty (50%) percent of the assessed value of the Structure divided by the ratio of the assessed value to the recommended value as last published by the City Assessor's Office, the repairs are presumed unreasonable for purposes of Section 16.12 C.1.

E. Service of Order. An order under Section 16.12 C. shall be served on the owner of record of the Structure that is subject to the order, or on the owner's agent if the agent is in charge of the Structure, in the same manner as a summons is served in Circuit Court. An order under Section 16.12 C. shall be served on the holder of an encumbrance of record by first class mail at the holder's last known address and by publication as a Class One Notice under Chapter 985, Wisconsin Statutes. If the owner or owner's agent cannot be found, or if the owner and the owner's agent is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the Structure and by publishing it as a Class One Notice under Chapter 985, Wisconsin Statutes, before the time limited in the order begins to run. The time limited in the order begins to run from the date of service on the owner or owner's agent; or, if the owner or owner's agent cannot be found, from the date that the order was posted on the Structure.

F. Effect of Recording Order. If a Raze Order issued under Section 16.12 C. is recorded with the Kenosha County Register of Deeds, the order is considered to have been served as of the date the Raze Order is recorded, on any person claiming an interest in the Structure or the real estate as a result of a conveyance from the owner of record, unless the conveyance was recorded before the recording of the Raze Order.

G. Failure to Comply With the Raze Order. If the owner of a Structure fails or refuses to comply with the Raze Order within the time prescribed, the Code Official may proceed to post the property as unfit for human habitation, occupancy or use, secure the Structure, and to Raze the Structure or contract with a private contractor for such work.

H. Special Assessments. The Code Official shall recover all costs to Condemn and Raze the Structure through special assessments levied and to be collected as a delinquent tax against the real estate upon which the Structure is located. Such special assessment shall be a lien upon the real estate. A One Hundred (\$100.00) Dollar administrative fee for processing and administering

the special assessment shall be added to the special assessment against the benefited property.

16.13 BOARD OF HOUSING APPEALS

A. Appeal And Fee. Any person receiving a notice of violation and order which has been issued in connection with the enforcement of any provision of this Code and aggrieved thereby, may appeal the order and shall be granted a hearing on the matter before the Board of Housing Appeals, provided that such person shall file in the Office of the Department of Neighborhood Services and Inspections a written notice of appeal and request for hearing and setting forth a brief statement of the grounds therefor within twenty (20) days after the day the notice of violation and order was served. Upon receipt of such appeal, the Board of Housing Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice of violation and order should be modified or withdrawn. No appeal to the Board of Housing Appeals shall be deemed perfected or shall be heard until the appellant shall pay an appeal fee of Twenty-five (\$25.00) Dollars.

B. Board of Housing Appeals.

1. Created. The Board of Housing Appeals (hereinafter "Board") is created, having the purpose and powers hereinafter set forth.

2. Membership of Board; Quorum and Officers. The Board shall consist of five (5) members appointed by the Mayor, subject to confirmation of the Common Council, for terms of five (5) years. The terms shall be staggered so that the term of only one (1) member expires in any given year. In order to provide for such staggering, the initial terms of members shall be for one (1), two (2), three (3), four (4), and five (5) years. All terms shall commence on the first (1st) day of May. The officers of the Board shall be the Chairperson, Vice Chairperson, who shall act in the absence of the Chairperson, and the Secretary, who shall act in the absence of the Vice Chairperson. The presence of three (3) members at the Board shall constitute a quorum. The Director of the Department shall provide for secretarial services for the Board.

3. Powers.

a. The Board may:

(1) Reverse or affirm wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such other order, or provide such other relief as in the opinion of said Board ought to be made in the matter and to that end shall have the power of the Code

Official.

(2) Interpret the provisions of this Code in such a way as to carry out its intent and purpose.

(3) Vary or modify any order requiring structural changes to be made to the structure, where such action will not adversely affect the public health, safety or welfare.

b. An order of the Code Officials, which is not reversed in whole or in part by the required votes, shall be deemed affirmed.

c. If the Board sustains, in whole or in part, or modifies any order, it shall be deemed to be an order under this Code.

4. Disqualification of Member. A Board member shall not hear an appeal in which that member has a personal, professional or financial interest.

5. Meetings. The Board shall meet upon notice from the Chairperson within thirty (30) days of the filing of an appeal, or at stated periodic dates and times.

6. Open Hearing and Deliberations. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Officials and any person whose interests are affected shall be given an opportunity to be heard.

7. Procedure. The Board may adopt and make available to the public, through its Secretary, rules of procedures. The Board, in holding hearings, shall not require compliance with strict rules of evidence, but shall mandate that only relevant evidence be received.

C. Records and Copies. The proceedings at such hearing, including the findings and decisions of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the Department. Such record shall also include a copy of every notice of violation and order issued in connection with the matter. Any person aggrieved by the decision of the Board of Housing Appeals may seek further relief therefrom in any court of competent jurisdiction, as provided by the laws of Wisconsin.

D. Administration. The Code Official shall take immediate action to implement the decision of the Board.

E. Office. The Department shall be the office of the Board.

16.14 LODGING HOUSES

A. Prohibition. No person shall operate a lodging house, or shall occupy or let to another for

occupancy any lodging room in any lodging house, except in compliance with the applicable provisions of this Chapter.

B. Requirements.

1. Sanitary Maintenance. The responsible person of every lodging house shall be responsible for the sanitary maintenance of the entire Premises. The tenant of each lodging room shall be responsible for the sanitary maintenance of the lodging room under their control.

2. Cooking Facilities. Cooking facilities are permitted, but not required in Lodging Houses. Cooking facilities are subject to the following:

a. Stoves or microwave ovens may be used if there is a sink with hot and cold running water within the room in which contained.

b. Portable, self-heating hotplates shall not be used.

c. Cooking stoves shall not be located closer than five (5') feet from a bed or upholstered furniture, or windows with curtains.

d. Rooms must have two (2) or more outlets with one (1) outlet being a ground fault circuit interrupter.

3. Lodging Houses. Every permittee of a lodging house shall:

a. Make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency repair work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

b. Be responsible for the changing of supplied linen and towels therein at least once each week, and prior to the letting of any room to any occupant.

c. Be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

d. Prohibit the use of extension cords by occupant at any time.

e. Identify each lodging room with numbers or letters on the outside of each room.

C. Permit. No person may operate a lodging house unless he/she holds a valid Lodging Housing Permit or Temporary Lodging House Permit issued by City in the name of the operator or owner and for the specific dwelling or dwelling unit. The annual fee for Lodging House Permits shall be Two Hundred Fifty (\$250.00) Dollars. The fee for a Temporary Lodging House Permit for all lodging houses shall be Fifty (\$50.00) Dollars. The fees provided herein are not subject to proration. The operator or owner shall apply to the City Clerk for such permit, which shall be

issued by the City Clerk, or designee, upon compliance by the operator or owner with the applicable provisions of this Ordinance. Any unexpired permit shall be displayed in a conspicuous place within the lodging house at all times. No such permit shall be transferable. Every Lodging House Permit shall expire on the 31st day of August. Every Temporary Lodging House Permit shall expire thirty (30) days after issuance.

D. Appeal - Permit Denial. Any person whose application for a permit to operate a lodging house has been denied may request and shall be granted a hearing on the matter before the Board of Housing Appeals, under the procedure provided by **Section 16.13.**

E. Revocation of Permits.

1. Standards for Revocation. A permit issued pursuant to this Section may be revoked, not renewed, or suspended for just cause. "Just Cause" shall mean the unfitness of the operator or owner, unfitness of the Premises, improper operation, misrepresentation or a material error in the application for an original or renewal permit. Unfitness of the operator or owner includes, but is not limited to, mental incompetence, failure or inability to be regularly present on the Premises to personally supervise the operation, or violation of a relevant criminal law or local ordinance, regardless of whether conviction in a court ensues. Unfitness of the Premises includes, but is not limited to, any single event or condition which makes the premise unsafe or unsuitable for occupancy, or any series of minor violations occurring over time, or any multiple minor violations occurring within close time proximity. Improper operations includes, but is not limited to, permitting any of the following on or about the Premises: loitering for prostitution, illegal drug sales, loitering of groups of people which result in profane language, fights in public, battery, or other disorderly conduct.

2. Procedure.

a. Complaint. Any citizen or Code Official may sign a complaint seeking the revocation, nonrenewal, and/or suspension of a permit issued pursuant to this Code. Complaints shall state with specificity, the events or series of events forming the basis of the complaint.

b. Summons. The permittee shall be served in person or by certified mail, return receipt requested, or equivalent private **delivery** service, with a copy of the complaint and a summons, signed by the Chair of the Board of Housing Appeals, directing the permittee to appear before the Board of Housing Appeals.

c. Hearing. Within forty-five (45) days of the date of service of the Summons and Complaint on

the permittee, the Board of Housing Appeals shall hold an evidentiary hearing. The proceeding shall be recorded by either a court reporter or on videotape. If the complaint is brought by the City Clerk or Code Official, the Office of the City Attorney shall prosecute said complaint.

d. Decision. The Board of Housing Appeals shall issue a decision in writing detailing its findings of fact and the Order of the Board. The decision shall be delivered to the complainant and the permittee by personal service, certified mail, return receipt requested, or equivalent private delivery service, or in the case of the permittee, by posting on the Premises being the subject of the complaint.

e. Effect. Upon revocation of the permit, a previously permitted lodging house shall cease operation, and no person may occupy for sleeping or living purposes any lodging room therein.

3. Appeal. An Order of Revocation by the Board of Housing Appeals may be appealed to Circuit Court in the manner prescribed by Section 753.04, Wisconsin Statutes.

Appeal - Revocation of Permit. Any person whose permit to operate a lodging house has been revoked, or who has received notice from the Board of Housing Appeals that his/her permit is to be revoked unless existing conditions or practices at his/her lodging house are corrected, may request and shall be granted a hearing on the matter before the Board of Housing Appeals under the procedure provided by **Section 16.13** of this Code. However, if no petition for a hearing is filed within twenty (20) days following the day on which a permit was revoked, the petitioner's right here provided to a hearing shall be deemed waived by petitioner and the petition shall be void as untimely.

16.15 RENT WITHHOLDING

A. Authority To Withhold Rent; Appeal of Authorization To Withhold Rent.

1. Deposit In Escrow. Notwithstanding any other provision of law or any agreement, whether oral or written, if a responsible person of real property fails or neglects to comply with an order of the Code Official to correct a violation of this Code, then upon the expiration of the time given in an order to correct those violations, or the expiration of any extensions of time which may be granted by the Code Official, the Code Official, upon application of the tenant, may authorize the tenant, as of the date of application, to deposit rental payments into an escrow account designated by the Director of Finance. Notwithstanding the above, a tenant shall not be authorized to withhold rent if the only violation of this Code is the failure to comply with an exterior paint

order, replacement or repair of siding, seeding or sowing of grass, and replacing concrete foundations and fence posts during Winter, or if the tenant has rent for that property which is unpaid past the due date. The tenant may commence rental deposits into the escrow account upon authorization by the Code Official provided that payment is made prior to service of a five (5) day quit or pay notice or prior to a service of a fourteen (14) day termination notice given by the lessor under Chapter 704, Wisconsin Statutes. The responsible person shall be notified of rent withholding authorization by the Code Official by first class mail within five (5) days of said authorization.

2. Appeal From Tenant Authorization By Owner. Tenant authorization to deposit rental payments into an escrow account pursuant to **Section 16.15** shall be stayed if an appeal of rent withholding authorization is made by the responsible person to the Board of Housing Appeals in the manner and within the time period provided by **Section 16.13**. The Board shall have the power to affirm or reverse the authorization of rent withholding or require the return to the responsible person of all or part of the rent paid to the City escrow account or postpone to a future date the commencement of rent withholding. The Board may determine which, if any, of the violations of this Code was caused by the act or omission of the tenant and make a specific finding of such fact. Such finding shall not relieve the responsible party under this Code from the duty to comply therewith in a timely manner. The Board shall authorize rent withholding under this Section in such instances to continue only until such nontenant caused violations are certified as corrected by the Code Official. If a rent payment shall become due during the pendency of an appeal, the tenant shall deposit the rental payment into the escrow account when due. If the Board does not authorize rent withholding, all money deposited in the escrow account which is due to lessor shall be paid to the lessor without deduction of administrative fees from the account. If the Board does authorized rent withholding, administrative fees as herein authorized shall be deducted by the City prior to the making of any other disbursements.

3. Receipt of Rent Withheld. Upon acceptance of rent, receipt will be mailed to the responsible person or their agent and serve as a notice that rent has been paid, certified mail, return receipt mail requested or equivalent private delivery service. Within five (5) days of the due date, if rent remains unpaid, notice of nonpayment will be mailed to the responsible person or their agent by certified mail, return receipt requested or equivalent private delivery service.

4. Deposit by Tenant. The right of the tenant to deposit rental payments into the escrow account established by this Section shall not preclude or adversely affect in any way the right of lessor to use any of the rights and remedies provided by the laws of the State of Wisconsin pertaining to the relationship of landlord and tenant, including, but not limited to, commencing eviction proceedings after notice of nonpayment of rent has been sent. The Department has no responsibility for the collection of rent which is not paid when due.

5. Escrow Account. The Director of the Finance Department is authorized to create a special revenue fund for the purpose of depositing rental payments collected which shall be held in an escrow account and released as set forth in **Section B**.

B. Release of Funds.

1. During Pendency of Withholding. Monies deposited in the escrow account, during pendency of withholding:

a. Shall be released to the Code Official by the Director of the Finance Department to cover administration expenses in the following amounts:

(1) Thirty (\$30.00) Dollars to establish the account, to be assessed only after rent withholding has been authorized by the Code Official.

(2) Five (\$5.00) Dollars per month, payable each month, to maintain the account if no transaction occurs during the month.

(3) Fifteen (\$15.00) Dollars per transaction made by the Director of Finance from this escrow account.

(4) Thirty (\$30.00) Dollars to close the account.

b. Shall be released at the discretion of the Code Official to pay utilities where the utility costs are included as part of the rent.

c. May be released at the discretion of the Code Official to reimburse any City department or to pay any private contractor hired by the City, for the costs of razing the building, securing vacant and open dwelling units, and the cutting of long grass and weeds.

d. May be released at the discretion of the Code Official to the responsible person, upon presentation of itemized receipts for reasonably necessary work completed at the direction of the Code Official.

2. After Completion of Required Repairs. After all repair orders of the Code Official which formed the basis for the rent withholding are complied with to the satisfaction of the Code Official, the Code Official, after applicable deductions under this Section, shall release all remaining funds which had been deposited by the tenant for that lessor, to the owner of record as recorded with the Register of Deeds. The owner of record shall appear personally

before the Director of Finance or his/her designee during regular business hours for receipt of the funds.

C. Enforcement, Notice And Hearings. The provisions of this Code relating to enforcement, notice and hearings applicable to orders issued by the Code Official are made applicable to orders issued and the release of funds by the Code Official pursuant to this Code.

D. Harassment. No person may use any provision of this Section to harass any other person. To harass will include, but not be limited to, making spurious complaints to the Code Official or any other law enforcement official, terminating a tenancy or giving notice preventing the automatic renewal of a lease, or constructively evicting a tenant by any means, including the termination or substantial reduction of heat, water or electricity to the dwelling unit, or increasing, without good cause, the rent to a unit by more than ten (10%) percent over the rental rate in effect at the time during which the tenant applied for rent withholding. "Good Cause", as used in this Section shall include the nonpayment of rent to the lessor or to the escrow account, or the commission of waste. "Good Cause", as used in this Section, shall mean that the lessor must show a good reason for his/her action, other than one related to or caused by the operation of this Section, such as normal rental increases due to tax increases or increased maintenance costs.

E. Exemptions. This Section shall not apply to owner-occupied two unit dwellings or lodging houses having a Lodging House Permit granted pursuant to this Code.

F. Prohibited Conduct.

1. Any person who, contrary to this Section, accepts rental payments for Premises subject to authorized rent withholding, whether the rental payments are tendered by or on behalf of the tenant occupying the Premises at the time rent withholding is authorized or by, or on behalf of, any subsequent or other tenant who occupies the Premises during the existence of such rent withholding authorization, shall be in violation of this Code. Each payment accepted shall constitute a separate violation.

2. Any person who, contrary to this Section, engages in discrimination or harassment shall be in violation of this Code.

16.151 CHRONIC NUISANCE PROPERTY

A. Findings. The Common Council of the City of Kenosha finds that any Premises that has generated two (2) or more calls for police services,

resulting in arrest or the issuance of citations for nuisance activities, has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the City. Therefore, the Common Council directs the Chief of Police and the Director of Neighborhood Services and Inspections, as provided in this Section, to charge the owners of such Premises the costs associated with abating the violations at Premises where nuisance activities chronically occur.

B. Enforcement By Injunction. The regulations of this Section may be enforced by means of an injunction.

C. Definitions. For purposes of this Ordinance, the following words and phrases shall have the meanings provided.

1. "Nuisance Activity" shall mean any of the following activities, behaviors or conduct whenever engaged in by Premises' owners, operators, occupants or persons associated with a Premises:

a. An act of harassment as defined in Section 947.013, Wisconsin Statutes.

b. Disorderly Conduct as defined in **Section 11.02** of the Code of General Ordinances, or Section 947.01, Wisconsin Statutes.

c. Battery, substantial battery or aggravated battery as defined in Section 940.19, Wisconsin Statutes.

d. Indecent conduct as defined in **Section 11.02 D.** of the Code of General Ordinances, or Section 944.20(1), Wisconsin Statutes.

e. Keeping a place of prostitution, or leasing a building for the purposes of prostitution as defined in **Section 11.03** of the Code of General Ordinances, or Section 944.34, Wisconsin Statutes.

f. Littering of Premises as defined in **Section 11.02 U.** of the Code of General Ordinances.

g. Theft as defined in **Section 11.02 W.** of the Code of General Ordinances, or Section 943.20, Wisconsin Statutes.

h. Arson as defined in Section 943.02, Wisconsin Statutes.

i. Possession, manufacture or delivery of a controlled substance or related offenses as defined in Chapter 961, Wisconsin Statutes.

j. Gambling as defined in **Section 11.04** of the Code of General Ordinances or Section 945.02, Wisconsin Statutes.

k. Keeping a prohibited dangerous animal as defined in **Chapter 14** of the Code of General Ordinances.

l. Trespassing as defined in **Sections 11.022** or **11.036** of the Code of General Ordinances or Section 943.13, Wisconsin Statutes, or Criminal

Trespass to Dwelling as defined in Section 943.14, Wisconsin Statutes.

m. Discharge of a firearm as defined in **Section 11.02 A.** of the Code of General Ordinances.

n. The production or creation of excessive noise as defined in **Section 11.14** of the Code of General Ordinances.

o. Loitering as defined in **Sections 11.034** or **11.035** of the Code of General Ordinances.

p. Public drinking as defined in **Section 11.026** of the Code of General Ordinances.

q. Owning, keeping, having or harboring any bird or animal that causes a disturbance of the peace as defined in **Section 11.02** of the Code of General Ordinances.

r. Obstruction/interference with Police or Fire personnel as defined in **Section 11.02 Q.** of the Code of General Ordinances.

s. Any other offense against good order and conduct as defined in **Chapter 11** of the Code of General Ordinances or Chapter 947, Wisconsin Statutes.

t. Any act of aiding and abetting, as defined in Section 939.05, Wisconsin Statutes, any of the activities, behaviors or conduct enumerated in Sections a. to t. above.

u. Any conspiracy to commit (as defined in Section 939.31, Wisconsin Statutes) or attempt to commit, as defined in Section 939.32, Wisconsin Statutes, any of the activities, behaviors or conduct enumerated in Sections a. to t. above.

2. "Person Associated With" shall mean any person who, whenever engaged in a Nuisance Activity, enters, patronizes, visits or attempts to enter, patronize or visit, or waits to enter, patronize or visit, a Premises or person present on a Premises, including any officer, director, customer, agent, employee or independent contractor of a Premises' owner.

3. "Premises" shall mean a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, but excluding hotels, motels and tourist rooming houses. In the case of multiple dwelling units, "Premises" as used in this Section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

D. Procedure.

1. Whenever the Chief of Police determines two (2) or more nuisance activities of the types defined in **Section 16.151 C.1.** have occurred at a Premises, resulting in arrests and/or the issuance of citations and/or verified by written police reports, on separate

days during a sixty (60) day period, the Chief of Police may notify the Premises' owner in writing that the Premises is in danger of becoming a chronic nuisance. This notice shall be deemed to be properly delivered if sent either by first class mail to the Premises' owner's last known address, or if delivered in person to the Premises' owner. If the Premises' owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the Premises' owner's usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner as identified by the records of the City Assessor or the Director of Neighborhood Services and Inspections. This notice shall contain:

a. The street address or legal description sufficient for identification of the Premises.

b. A description of the nuisance activities that have occurred at the Premises and a statement indicating that the cost of future enforcement may be assessed as a special charges against the Premises.

c. A statement that the Premises' owner shall, within thirty (30) days, respond to the Chief of Police either with an appeal or to propose a written course of action to abate the nuisance activities which is acceptable to the Chief of Police.

2. Whenever the Chief of Police determines that an additional Nuisance Activity has occurred at a Premises for which notice has been issued pursuant to **Section D.1.** above, and either this Nuisance Activity has occurred not less than thirty (30) days after notice has been issued or a course of action as required by **Section D.1.c.** has not been submitted, the Chief of Police may charge any Premises' owner found to be in violation of this Section the costs of enforcement in an amount not to exceed Two Hundred (\$200.00) Dollars. All costs so charged are a lien upon such Premises and may be assessed and collected as a special charge. A One Hundred (\$100.00) Dollar Administrative Fee shall be added to the special assessment against the property, as provided in **Section F.**

E. Violation. Each subsequent incident of nuisance activities shall be deemed a separate violation.

F. Cost Recovery. Upon receipt of a notice from the Chief of Police issued pursuant to **Section D.2.**, the Director of Neighborhood Services and Inspections shall charge any Premises owner found to be in violation of this Section the costs of

enforcement, including administrative costs, in full or in part. All costs so charged are a lien upon such Premises and may be assessed and collected as a special charge. A One Hundred (\$100.00) Dollar Administrative Fee shall be added to the special assessment against the benefited property.

H. Appeal. Appeal of the determination of the Chief of Police pursuant to **Sections D.1.** or **D.2.**, or the action of the Director of Neighborhood Services and Inspections imposing special charges pursuant to Section F. against the Premises, may be submitted to the Board of Housing Appeals in the manner and under the procedure provided in **Section 16.13** of this Code. However, if no petition for hearing is filed within twenty (20) days following receipt of the notice provided for in **Section D.** by the Premises owner, the Petitioner's right herein provided to a hearing shall be deemed waived by the Petitioner and the hearing petition shall be voided as untimely.

16.16 GENERAL PROPERTY MAINTENANCE REQUIREMENTS

A. Scope. The provisions of this Code shall govern the minimum requirements and the responsibilities of persons for maintenance of Premises (including existing structures, exterior Premises and equipment), whether occupied or vacant.

B. Responsibility. The responsible person (as defined herein) shall maintain their Premises in compliance with this Code. A person shall not occupy a Premises, or permit another person to occupy a Premises which does not comply with the requirements of this Code. Occupants (including owner occupants and tenants) of a Premises are responsible for caring for and maintaining that part of the Premises which they occupy and control, including garages, fences and accessory buildings. All responsible persons shall be jointly and severally responsible for securing compliance of their Premises with this Code.

16.17 EXTERIOR PREMISES

All exterior Premises, including the abutting right-of-ways, lawn park areas, curbs and gutters, shall be maintained by the responsible person or tenant, where relevant, in accordance with this Section.

A. Clean, Sanitary and Reasonably Safe.

1. In a clean and sanitary condition, free from debris.

2. Free from rubbish and garbage which are not contained as provided under **Section 5.06** of the Code of General Ordinances, entitled "Waste

Collection and Removal", and any successor Ordinance for purposes of storage and collection, provided storage is for no longer than necessary to accommodate collection, but not longer than seven (7) days.

3. Free from recyclable materials, as defined in **Section 5.119** of the Code of General Ordinances, which are not contained as provided in said **5.06** for purposes of collection and storage, provided storage is for no longer than necessary to accommodate collection, but not longer than fourteen (14) days.

4. Free from nuisance motor vehicles, nuisance boats, scrap metals, and all household furniture not designed for outdoor use.

5. In a condition so as not to become infested with rodents or a rodent harborage.

6. Free from used building materials.

7. Free from animal feces, which were present for more than twenty-four (24) hours.

8. Free from physical hazards.

9. Free from appliances, furnaces, water heaters, water softeners or building materials which are not integrated into a structure within five (5) days of being placed on Premises.

10. Free from any accumulation of combustible materials which are not used as an integral part of an authorized business carried out on the Premises.

11. Free of any raw materials, equipment parts, or bulk commodities, unless said items are a raw material used in a lawful business carried out on the Premises or a final manufactured product.

12. Free from motor vehicle, boat or aircraft parts and tires, (excluding tires used as sandboxes, swings, and playground equipment).

In the event that the Responsible Person fails to comply with an order of the Code Official to maintain the Exterior Premises in accordance with **Sections 16.17 A.1. through 12.** above, the Code Official may have the Premises cleaned and shall recover the cost of said cleaning and the disposal of all materials removed therefrom through a special assessment levied against the benefited Premises. A One Hundred (\$100.00) Dollar Administrative Fee shall be added to the special assessment against the benefited property.

B. Unpaved Lawn Park Areas. The unpaved public lawn park areas abutting private property between the curb and lot line shall be maintained by the abutting property owner in conformance with **Section 5.11** of the Code of General Ordinances.

C. Maintenance of Alleys and Vacated Alleys. All alleys and vacated alleys, abutting private property between the center of the alley and the lot line, shall be maintained by the abutting property owner in accordance with this Code.

D. Grading and Drainage. All Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. All courts, yards or other areas on the Premises shall be properly graded to divert water away from the structure. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2") inch per foot for a minimum of five (5') feet where possible or by other means such as eaves, troughs and downspout extensions.

Approved retention and detention basins, however, shall be permitted to hold water in accordance with their approved design and capacity.

E. Sidewalks, Walkways, Stairs, Driveways and Parking Facilities. Private concrete sidewalks shall be maintained in accordance with the standards for public sidewalk maintenance. Walkways, stairs, driveways, and parking facility areas shall be maintained in good repair and reasonably safe. Existing concrete or bituminous paved walkways, driveways, and parking facilities shall be repaired or replaced as such. Parking facilities with more than five (5) parking spaces shall comply with the requirements of **Section 5.08** of the Code of General Ordinances. Public sidewalks shall be maintained in accordance with **Sections 5.11** and **5.116** of the Code of General Ordinances.

F. Weeds. All exterior Premises shall be kept free from weeds as defined in this Code. Where weed destruction is not performed by the responsible person, weeds shall be destroyed by the Code Official. Weeds which equal or exceed eight (8") inches in height shall be destroyed by cutting and mulching.

G. Landscaping. Landscaping, plantings and other decorative surface treatments, including species of grass common to Southeastern Wisconsin, shall be installed and maintained so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in Southeastern Wisconsin. Unless granted a variance for a natural lawn from the Code Official, grass shall be maintained to a height not to exceed eight (8") inches. Plantings, including, but not limited to grasses, trees and shrubs shall be maintained so as not to present hazards to persons or vehicles traveling on public right-of-ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby enhancing the appearance and value of abutting property, the neighborhood and the City.

Application for variance for a natural lawn, if

desired, shall be made by the responsible person on a form promulgated by the Department. The application shall state with specificity the dimensions of the area sought for variance, along with a diagram showing the position of the area relative to sidewalks, driveways, streets, alleys, and other public right-of-ways. The application shall state the species, if ascertainable, and maximum height of the grasses. The application may be made without cost to the applicant. The application shall be granted or granted with reasonable conditions unless it is determined that the granting will conflict with the purpose and intent of this Code, in which event the application will be denied. The denial of an application or the reasonableness of conditions imposed may be appealed to the Board of Housing Appeals in accordance with the procedures of this Code.

In the event that the responsible person fails to comply with an order of a Code Official to cut grass or trim trees or shrubs, the Code Official shall have the grass cut to a height of three (3") inches and have the trees trimmed and shall recover the cost through special assessments levied against the benefited property. A One Hundred (\$100.00) Dollar Administrative Fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.

H. Firewood Storage. Firewood, for personal use only, may be kept on residentially zoned or used property. It shall be stored in straight, orderly piles which are raised a minimum of six (6") inches off the ground, which are not more than six (6') feet in height, which are not in the "front yard" as defined in the Zoning Ordinance, and which are no closer than four (4') feet to a dwelling.

I. Exterior Storage. Exterior storage is subject to all required reviews, approvals and permits under the Zoning Ordinance and Code of General Ordinances. Exterior storage in Business Zoning Districts shall be screened in accordance with Section 3.12 D. of the Zoning Ordinance. All required screening shall be maintained in good repair. Exterior storage is prohibited on residentially zoned or used property.

J. Rodent Harborage. All Premises shall be kept free from nondomesticated rodent harborage. Where nondomesticated rodents are found, they shall be promptly exterminated by a State approved process which will not be injurious to human health. After rodent extermination, proper precautions shall be taken to control rodent harborage and prevent reinfestation.

K. Exhaust Vents. Pipes, ducts, conductors, fans, blowers or other exhaust vents shall not

discharge gases, steam, vapor, hot air, grease, smoke odors or other gaseous or particulate wastes directly upon public or private property or that of another tenant on the same Premises.

L. Accessory Buildings/Structures. All accessory buildings and structures, including windows and doors which are a part thereof, shall be maintained structurally sound, in good repair, reasonably weathertight, watertight, and rodentproof. Responsible persons shall not permanently remove any door or window except to board up a door or window by removing existing trim, installing framing as necessary, and siding to match the existing siding.

M. Fences. All fences shall be maintained in good repair, be structurally sound and plumb. Fence surfaces shall be free of rust, corrosion, deterioration, decay, missing parts, and peeling, flaking and chipped paint. Wood surfaces other than decay-resistant wood must be protected from the elements and decay by painting or other protective covering or treatment. Fences shall not be of a type prohibited by Section 16.06 of the Zoning Ordinance for the City of Kenosha.

N. Motor Vehicles and Motor Vehicle Repair Work. Section 7.128 of the Code of General Ordinance regulating nuisance motor vehicles and motor vehicle repair work shall be complied with.

O. Graffiti. In accordance with Section 11.031 of the Code of General Ordinances, the owner of any building or accessory building shall be responsible for removing all graffiti therefrom within fifteen (15) days from the posting of the property.

In the event that the owner of any building or accessory structure does not remove the graffiti so ordered by the Code Official, the Code Official may have the graffiti removed and shall recover the cost of said graffiti removal through a special assessment levied against the benefited property. A One Hundred (\$100.00) Dollar Administrative Fee shall be added to the special assessment against the benefited property.

16.18 EXTERIOR OF STRUCTURES

The exterior of a structure shall be maintained by the responsible person in accordance with this Section.

A. Exterior Walls, Surfaces and Repairs. All exterior walls and surfaces, including, but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair. All exterior surfaces shall be free from decay, missing

parts, serious cracking, irregularities, and peeling, flaking and chipped paint. Flaking and chipping paint, when removed, shall be collected and stored in containers and disposed of in accordance with Federal and State law. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and affected surfaces treated and repainted in a workmanlike manner. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All surface repairs shall be completed to closely match the existing surface color and texture.

B. Street Numbers. All dwellings or buildings in the City of Kenosha shall be numbered in accordance with a certain book now on file in the office of the Department of Public Works, which is designated "ADDRESS BOOK". All street numbering shall be in conformance with the requirements set forth in Section 9.23 of the Code of General Ordinances.

C. Structural Members. All structural members shall be maintained structurally sound, in good repair, and be capable of safely supporting the imposed loads.

D. Foundation Walls. All foundation walls shall be maintained structurally sound, plumb and free from open cracks and breaks, in good repair, and shall be kept in such condition so as to prevent the entry of rodents.

E. Exterior Walls. All exterior walls shall be maintained structurally sound, free from holes, breaks, loose or rotting materials, in good repair, and maintained weatherproof. Responsible persons shall not remove any door or window in a residential dwelling, except to board up a door or window not required for light or ventilation by removing existing trim, installing framing as necessary and siding to match the existing siding. All repairs shall be completed in a workmanlike manner to match the existing materials, architecture and colors. The Code Official shall approve all methods used to board up any windows or doors in commercial, manufacturing or industrial buildings.

F. Roofs and Drainage. The roof and flashing shall be maintained structurally sound, tight and not have defects that admit water. The roof coverings shall be in good repair, free from wear and tear, storm damage and missing components. All repairs shall be made to closely match the type and color of the existing roof. Roof drainage shall be adequate to

prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

G. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. Any missing parts shall be replaced with matching parts.

H. Overhang Extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in good repair with proper anchorage.

I. Stairways, Decks, Porches, Ramps and Balconies. Every exterior stairway, deck, porch, ramp, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and balconies shall be installed in accordance with the requirements of Chapters Comm. 20 - 25 of the Wisconsin Administrative Code.

J. Handrails/Guardrails.

1. Requirements. Every stairway, deck, porch, ramp and balcony with more than three (3) risers or where more than twenty-four (24") inches above grade, shall have handrails/guardrails installed which are in good repair. "Good Repair" shall mean structurally sound, with proper anchorage, and capable of supporting projected loads.

2. Maintenance. Every handrail/guardrail installed shall be maintained so as to be in Good Repair. Every handrail/guardrail installed shall be replaced if destroyed and repaired if not in Good Repair.

3. Standards For Handrails. Handrails shall be installed in accordance with the following standards:

a. One-Family and Two-Family Dwelling Units: Thirty (30") inch minimum height; thirty-eight (38") inch maximum height.

b. Multi-Family Dwellings of Three (3) or more Units: Thirty-four (34") inch minimum height; thirty-eight (38") inch maximum height.

c. Handrails shall be measured vertically from the nosing of the tread.

d. Handrails shall be continuous without

interruption by newel posts, other structural elements or obstructions. Handrails shall be permitted to be interrupted by a newel post at a turn in a stairway.

e. Handrails shall have intermediate rails on open-sided floor areas. The rails shall be balusters or be of solid material such that a sphere with a diameter of four (4") inches cannot pass through any opening. Plywood and latticework are not permitted in replacement or new intermediate rails. This standard shall not apply to intermediate rails installed prior to 2005 that are in Good Repair, and that have balusters or are of a solid material such that a sphere with a diameter of six (6") inches cannot pass through any opening.

4. Standards For Guardrails. Guardrails shall be installed in accordance with the following standards:

a. One-Family and Two-Family Dwelling Units: No less than thirty-six (36") inches in height.

b. Multi-Family Dwellings of Three (3) or more Units: No less than forty-two (42") inches in height.

c. Guardrails shall be measured vertically above the leading edge of the tread or adjacent walking surface.

d. Guardrails shall have intermediate rails on open-sided floor areas. The rails shall be balusters or be of solid material such that a sphere with a diameter of four (4") inches cannot pass through any opening. Plywood and latticework are not permitted in replacement or new intermediate rails. This standard shall not apply to intermediate rails installed prior to 2005 that are in Good Repair, and that have balusters or are of a solid material such that a sphere with a diameter of six (6") inches cannot pass through any opening.

K. Chimneys, Towers and Antennas. All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

L. Windows. Every window, storm window, skylight and screen window, including the frames shall be kept in sound condition, good repair and weathertight.

1. Glazing. All window glazing materials shall be maintained free from cracks and holes.

2. Openable Windows. Every window, other than a fixed window, shall be easily openable, capable of being held in position by existing window hardware, and have locking devices in good repair and good working order.

3. Insect Screens. During the period from April 15 to October 15, every openable window, every door and other outside openings required for ventilation of habitable rooms, food preparation areas, food service areas, and any area where products to be included or used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with tightly fitting screens of not less than sixteen (16) mesh per square inch and every swinging door shall have a self-closing device in good repair and good working condition. The use of half screens or interior type temporary screens is prohibited.

4. Storm Windows. All exterior windows shall have storm windows installed and maintained to prevent excessive drafts and heat loss no earlier than October 15, but no later than November 15, annually, except where permanent and openable or where the prime sash is a double or triple-glazed sash.

M. Doors. All exterior doors, door assemblies and hardware shall be maintained in good working condition and in good repair.

1. Door Viewer. Each main entrance door into a dwelling and dwelling unit shall contain an approved door viewer, except where a window in the door, or a window adjacent to the doorway, provides a clear view of the entrance.

2. Door Type and Hinges. Doors leading into each dwelling and dwelling unit shall be of solid-core slab type or insulated steel construction, equipped with door hinges so arranged as to be inside the dwelling or dwelling unit or with locking pin hinges.

3. Deadbolt Locks. All doors leading into each dwelling and dwelling unit shall have a keyed deadbolt lock with a minimum one (1") inch throw, which is operable with a key on the exterior side of the door and a knob on the interior side of the door. The deadbolt strikeplate shall be held in place by no less than two and one-half (2-1/2") inch screws. Patio doors shall have an approved secondary locking device; e.g., locking pins or 2 x 4's of proper length. Deadbolt locks shall be in good working condition and good repair.

N. Security Maintenance. All building security locks and related intercom communication systems shall be maintained and kept in good working condition and good repair.

O. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water, in good repair and in good working condition. Guardrails shall be installed in the absence of a hatch door.

P. Guards For Basement Windows. Every basement window that is openable shall have storm windows or other approved protection against the entry of rodents, in good working condition and in good repair.

16.19 INTERIOR OF RESIDENTIAL STRUCTURES

The interior of a structure and equipment therein shall be maintained by the responsible person or tenant, where applicable, in compliance with this Section.

A. Interior Wall, Ceiling and Floor Surfaces and Repairs. All interior wall, ceiling and floor surfaces, including, but not limited to, windows and doors, shall be maintained in good repair. All surfaces shall be free from serious cracking, irregularities and peeling, flaking and chipped paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

B. Structural Members. All structural members shall be maintained structurally sound, in good repair, and be capable of supporting the imposed loads.

C. Toilet Room Compartment and Bathroom Flooring. Every toilet room floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

D. Stairs and Walking Surfaces. All interior stairs and railings, ramps, balconies, porches, decks and other walking surfaces shall be maintained in a structurally sound condition, in good repair, with proper anchorage and capable of supporting the imposed loads.

E. Handrails and Guardrails. Every handrail and guardrail shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

F. Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

G. Facility, Cabinet, Equipment, Appliance and Utility Installation and Maintenance. Every facility, cabinet, piece of equipment, appliance and utility shall be so constructed, installed and

maintained so that it will be in good repair and in a good working condition. Any facility, cabinet, piece of equipment or appliance not in good working condition, which is supplied by the responsible person, shall be repaired or removed by the responsible person. It shall be the responsibility of the tenant or occupant to maintain supplied facilities, cabinets, equipment, appliances and utilities, in a clean and sanitary condition when contained within the tenant's/occupant's dwelling unit.

H. Sanitary Conditions. The responsible person shall maintain the common areas of their Premises in a clean, safe and sanitary condition. A person shall not occupy a Premises, or permit another person to occupy a Premises which does not comply with the requirements of this Code. Occupants (including owner occupants and tenants) of a Premises shall be responsible for caring for and maintaining in a clean, safe, and sanitary condition that part of the Premises which they occupy and control. All responsible persons and occupants (including owner occupants and tenants) shall be jointly and severally responsible for securing compliance of their Premises with this Code.

16.20 WASTE COLLECTION AND REMOVAL AND RECYCLING

A. General.

1. Every exterior Premises shall be maintained to be free from any accumulation of waste, except for temporary collection, in accordance with **Section 5.06** of the Code of General Ordinances.

2. Recycling shall be governed by **Section 5.119** of the Code of General Ordinances.

B. Disposal. The responsible person, and tenant, where applicable, for every Premises shall be responsible for waste collection and removal and recycling.

C. Waste Containers. Waste containers with tight fitting lids shall be provided as follows on both residential and nonresidential property for the collection of waste until removed from the Premises for disposal:

1. **Residential Premises - Responsibility.** The following shall provide and maintain waste containers:
a. One and Two Unit Dwellings. By the occupants of one and two unit dwellings.

b. Multi-Unit Dwellings. By the responsible person of multi-unit dwellings (three or more residential units), in accordance with the following:

(1) For three (3) or four (4) unit dwellings, individual waste containers may be provided on a per dwelling unit basis.

(2) For dwellings exceeding four (4) dwelling units, covered waste containers may be centrally located and serve the entire complex.

2. Commercial Premises - Responsibility.

The responsible person shall provide and maintain waste containers.

3. Waste Containers and Dumpsters.

a. Waste containers and dumpsters shall be of a number and size to adequately handle the waste generated by the occupants.

b. The responsible person shall be responsible for preventing or correcting any overflow of waste from the waste containers or dumpsters.

c. All dumpsters shall be placed on a hard paved surface.

d. Enclosures required by a City Conditional Use Permit or Site Plan Review for waste containers and dumpsters shall be installed and maintained in accordance with approved plans.

e. Waste containers and dumpsters shall be maintained in sound structural condition and in good repair.

f. Waste containers and dumpsters, except for the day of collection, shall be stored every day, at any location on private property which is enclosed, or stored in a dwelling or structure, or located in the rear or side yard for the dwelling or structure. Waste containers and dumpsters shall be located so as not to create a nuisance.

D. Removal of Debris.

1. No person shall dispose of rocks, trees, stumps, waste, building material or other debris from land development, building construction, street grading, or installation of underground utilities, upon the surface of any land in the City of Kenosha, except at approved disposal sites.

2. No responsible person for any Premises shall allow an accumulation of rocks, trees, stumps, waste, building material or other debris from land development, building construction, street grading (under owner's control), or installation of underground utilities (under owner's control) upon the surface of their Premises for a period of more than ten (10) days.

3. All fill dirt shall be leveled off to permit the mowing of weeds between May 15 and November 1. Stones, bottles, wire, and other debris that will interfere with mowing operations shall be removed.

16.21 EXTERMINATION

A. Infestation. All Premises shall be kept free from insect and rodent infestation. All Premises in

which insects, rats, vermin and other pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Responsibility for Extermination. The responsible person for any Premises shall be responsible for extermination.

C. Extermination. All extermination services shall be performed by a licensed exterminator. Effective extermination shall continue until all insects, rats, vermin and other pests are eliminated. The responsible person shall submit completed extermination reports from the licensed exterminator to the Code Official, upon request.

16.22 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

A. General.

1. **Scope.** The provisions of this Section shall provide the minimum requirements and standards for light, ventilation and occupancy limitations for structures.

2. **Responsibility.** The responsible person shall provide and maintain light, ventilation and occupancy limitations in compliance with this Section.

3. **Prohibition.** A person shall not occupy, or permit another person to occupy any structure that does not comply with the requirements of this Section.

4. **Alternative Devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the City Building Code shall be permitted.

B. Light.

1. **Habitable Spaces.** Every habitable space shall have at least one (1) window of a size required by Chapters Comm. 20-25 of the Wisconsin Administrative Code facing directly to the outdoors or to a court. The minimum total window pane areas for every habitable space shall be eight (8%) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3') feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court, and shall not be included as contributing to the required minimum total window area for the room.

Where natural light for rooms or spaces without exterior window pane areas is provided through an adjoining room, the unobstructed opening to the

adjoining room shall be at least eight (8%) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The exterior window pane area shall be based on the total floor area being served.

2. Common Hall and Stairway Spaces. Every common hall and stairway, other than in single unit dwellings, shall be lighted at all times with at least a sixty (60) watt standard incandescent lightbulb or equivalent for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30') feet. Every interior stairway used as a means of egress, other than in single dwelling units, shall be illuminated with a minimum of a sixty (60) watt standard incandescent lightbulb or equivalent at floors, landings and treads.

3. Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and use of the appliances, equipment and fixtures.

C. Ventilation.

1. Habitable Spaces. Every habitable space shall have at least one (1) openable window. The total openable area of the window in every room shall be equal to at least forty-five (45%) percent of the minimum windowpaned area required in this Code.

Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8%) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

2. Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by this Code, except that a window shall not be required in such spaces as are equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge directly to the outdoors and shall not be recirculated.

3. Clothes Dryer Venting Systems. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

D. Occupancy Limitations.

1. Privacy. Dwelling units and rooming units of

lodging houses shall be arranged to provide privacy and be separate from other adjoining spaces.

2. Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than seven (7') feet in length or width. Kitchens shall have a clear passageway of not less than three (3') feet between counter fronts and appliances or counter fronts and walls.

3. Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven (7') feet. Rooms occupied exclusively for sleeping, study or similar purposes may have a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7') feet over not less than one-third (1/3rd) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5') feet or more shall be included.

4. Bedroom Requirements. Every bedroom shall comply with the following requirements:

a. Area For Sleeping Purposes. Every bedroom occupied by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every bedroom occupied by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

b. Access From Bedrooms. Bedrooms, except for dwelling units that contain fewer than two (2) bedrooms, shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

c. Water Closet Accessibility. Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one (1) water closet and lavatory located in the same story as the bedroom or an adjacent story.

d. Kitchens and Nonhabitable Spaces. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

e. Basement Bedrooms. No basement space shall be used as a bedroom unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(2) The total windowpane area in each room is equal to at least the minimum windowpane area required in this Ordinance. The required minimum windowpane area must be located entirely above the grade of the ground adjoining such windowpane area.

(3) The total of openable window area in each

room is equal to at least the minimum required under this Code, except where there is supplied some other device affording adequate ventilation and approved by the Code Official.

(4) The room meets all the requirements of this Code and the requirements of Chapters Comm. 20-25 of the Wisconsin Administrative Code.

5. Minimum Area Requirements. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements specified in the following **Table 16.22 D.5.**

**MINIMUM AREA REQUIREMENTS
TABLE 16.22 D.5.**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1 - 2 Occupants	3 - 5 Occupants	6 or More Occupants
Living Room	No Requirements	120 s.f.	150 s.f.
Dining Room	No Requirements	80 s.f.	100 s.f.
Kitchen	50 s.f.	50 s.f.	60 s.f.
Bedrooms	70 s.f. for 1 person; 50 s.f. for each person where more than 1 person		

a. Sleeping Area. The minimum occupancy area required by **Table 16.22 D.5.** shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes.

b. Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of **Table 16.22 D.5.** if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

6. Efficiency Unit. Nothing in this Section shall prohibit the use of an efficiency dwelling unit meeting the following requirements:

a. An efficiency dwelling unit occupied by not more than two (2) occupants shall have a clear floor area of not less than two hundred twenty (220) square feet. An efficiency dwelling unit occupied by three (3) occupants shall have a clear floor area of not less than three hundred twenty (320) square feet. These required areas shall be exclusive of the areas required by **Sections b.** and **c.**

b. Be provided with a kitchen sink, space and hookups for cooking appliances and refrigeration facilities, each having a clear working space of not less than thirty (30") inches in front. Light and

ventilation conforming to this Code shall be provided.

c. Be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

d. Have no more than three (3) occupants.

7. Food Preparation. All spaces to be used for food preparation purposes shall contain suitable space to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

16.23 PLUMBING SYSTEMS FACILITIES AND FIXTURE REQUIREMENTS

A. General.

1. Scope. The provisions of this Section shall govern the minimum requirements and standards for plumbing systems, facilities and fixtures in structures.

2. Responsibility. The responsible person of the structure shall provide and maintain plumbing systems facilities, and fixtures in compliance with this Section.

3. Prohibition. A person shall not occupy or permit another person to occupy any structure that does not comply with the requirements of this Section.

4. Maintaining Sanitary Sewer and Water Service. No responsible person shall cause any sanitary sewer or water service to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or lodging room, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies beyond the control of the responsible person.

5. Maintaining Fixtures. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

B. Required Facilities.

1. Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, water closet, bathroom sink and kitchen sink which shall be maintained by the responsible person in good repair, in good working condition, and in a sanitary condition. The bathroom sink shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be

used as a substitute for the required bathroom sink.

2. Lodging Houses. Every lodging house shall contain at least one water closet, bathroom sink and bathtub or shower for each eight (8) persons residing therein.

C. Toilet Rooms and Bathrooms.

1. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all bathrooms and toilet rooms.

2. Location. Toilet rooms and bathrooms serving lodging units shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

D. Plumbing Systems and Fixtures.

1. General. All plumbing systems and fixtures shall be properly installed in good repair, in good working condition, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.

2. Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

3. Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

E. Water Supply System.

1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, laundry facility or other plumbing fixture shall be properly connected to either a public water supply system or to a State or City approved private water system and shall be supplied with hot or tempered and cold running water in accordance with the State Plumbing Code.

2. Free From Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an

approved permanently attached hose connection vacuum breaker.

3. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

4. Water Heating Facilities. Every dwelling unit shall have water heating facilities properly installed in good repair, good working condition, and maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, water closet and laundry facility at a temperature of not less than 110°F. (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

F. Sanitary Sewer and Treatment System.

1. General. All plumbing fixtures shall be properly connected to either a public sewer and treatment system or to a State or City approved private sewage treatment system.

2. Maintenance. Every plumbing stack, vent, waste and sewer line shall be maintained in good repair, good working condition and function as designed and be kept free from obstructions and leaks.

16.24 MECHANICAL AND ELECTRICAL FACILITIES AND EQUIPMENT

A. General.

1. Scope. The provisions of this Section shall govern the minimum requirements and standards for mechanical and electrical facilities and equipment in structures.

2. Responsibility. The responsible person of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with this Section.

3. Prohibition. A person shall not occupy or permit another person to occupy any structure that does not comply with the requirements of this Code. No responsible person shall cause any mechanical or electrical service, facility or equipment which is required under this Code to be removed from, shut

off from or discontinued from any occupied dwelling, dwelling unit or lodging room let or occupied by him/her, except for temporary interruption as may be necessary while actual repairs are in process, or during such temporary emergencies when discontinuance of service is approved by the Code Official.

B. Heating Facilities and Equipment.

1. Facilities and Equipment Required.

Heating facilities and equipment shall be provided in structures as required by this Section.

2. Residential Occupancies. Dwellings and dwelling units shall be provided with heating facilities and equipment capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms when the outside temperature is at or above 0°F and 60°F when the outside temperature is below 0°F.

3. Heat Supply. Every responsible person for any structure who lets one (1) or more dwelling units, lodging units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms when the outside temperature is at or above 0°F and 60°F, when the outside temperature is below 0°F.

4. Central Heating System Requirements.

Every central heating system shall comply with Chapters Comm. 23, 63 and 64 of the Wisconsin Administrative Code, when applicable. It shall also comply with the following requirements:

a. The central heating system shall be in good repair and good working condition.

b. Every heat duct, steampipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

c. Every seal between the sections of a warm air furnace shall be tight, so noxious gases will not escape into heat ducts.

5. Space Heaters. Every space heater shall comply with Chapters Comm. 23, 63 and 64 of the Wisconsin Administrative Code, when applicable, and with all of the following requirements:

a. No space heater burning solid, liquid or gaseous fuels shall be a portable type.

b. Every space heater burning solid, liquid or gaseous fuels shall be properly vented in accordance with manufacturer's instructions.

c. Every coal burning or oil burning space heater shall have a fire resistant panel beneath it.

d. The location of space heaters, the insulation of walls and ceilings close to such heaters and the

construction, installation and guarding of smokepipes and walls or ceilings through which they go shall meet the requirements of applicable State law and City Ordinances.

C. Fuel Burning Appliances.

1. Definition. "Fuel Burning Appliances"

shall mean and include nonelectrical stoves and food preparation devices, water heaters and fireplaces, and all components and accessories therefor, which burn natural gas, LP gas, wood or other combustible materials.

2. Installation and Maintenance. All fuel-burning appliances shall be properly installed and maintained in good repair, in good working condition, and shall be capable of performing the intended function.

3. Prohibited Use. Fuel burning appliances shall not be used to meet the heating requirements of this Code.

4. Venting. All fuel burning appliances shall be connected to an approved chimney or vent, except for appliances which are approved by the manufacturer for unvented operation.

5. Clearances. All manufacturer required clearances for fuel burning appliances shall be maintained.

6. Safety Controls. All safety controls for fuel burning appliances shall be maintained in good repair, good working condition and be capable of performing the intended function.

7. Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel burning appliance shall be provided.

8. Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled by the manufacturer for such purpose and the installation is specifically approved by the manufacturer.

D. Electrical Facilities.

1. Facilities Required. Every occupied structure shall be provided with an electrical system in compliance with the requirements of this Section.

2. Service. Every dwelling and dwelling unit shall be served by a main service that is not less

than sixty (60) amperes, three (3) wires and protected with fusetate fuses or circuit breakers. The size and usage of electrical appliances shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70.

3. Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

E. Electrical Equipment.

1. Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in good repair, in good working condition and be capable of performing the intended function.

2. Receptacles. Every habitable space in a dwelling or dwelling unit, except lodging rooms that do not allow cooking, microwaves, space heaters or extension cords, shall contain at least two (2) separate and remote receptacle outlets and one (1) wall or ceiling-type electric light fixture controlled by a remote switch. If a ceiling or wall-type light fixture is not installed, one of the two (2) required floor or wall-type convenience outlets shall be controlled by a remote switch. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Convenience outlets are to be located to prevent use of extension cords in accordance with National Electrical Code (NEC) 400-8/Chapter Comm. 16 of the Wisconsin Administrative Code. All extension cords, temporary wiring and exposed or abandoned wiring shall be removed.

3. Lighting fixtures. Every water closet compartment, bathroom, laundry room, boiler room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every kitchen shall have at least three (3) receptacles on two (2) small appliance circuits, plus a light fixture on a general lighting circuit. Any new kitchen receptacle outlet shall have ground fault circuit interrupter protection.

16.25 FIRE SAFETY REQUIREMENTS

A. General.

1. Scope. The provisions of this Section shall provide the minimum requirements and standards for fire safety relating to structures and Premises, including fire safety facilities and equipment to be provided.

2. Enforcement.

a. Code Official. The Code Official shall be responsible for enforcing the requirements of this Code in one and two-family dwellings and in the individual units located in multifamily units containing three (3) or more units.

b. Fire Prevention Bureau. The Fire Prevention Bureau shall be responsible for enforcing the City's fire safety requirements in accordance with **Chapter 3** of the Code of General Ordinances.

3. Responsibility. The responsible person of the Premises shall provide and maintain fire safety facilities and equipment in compliance with this Section.

4. Prohibition. A person shall not occupy or permit another person to occupy any Premises that does not comply with the requirements of this Section.

B. Means Of Egress.

1. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a structure to an open public street, alley or court connected to a street.

2. Exit Capacity. The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by Chapters Comm. 20 - 25 and 50-64 of the Wisconsin Administrative Code.

3. Number of Exits. Every dwelling, dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress or stairways above the first floor, leading to an open public street, alley, or court connected to a street. Exterior stairways, egress windows or exit platforms, or a combination thereof, will be permitted as second exits for dwellings and dwelling units constructed prior to January 1, 1985, (date of modification to Chapters Comm. 20-25 of the Wisconsin Administrative Code) if approved by the Code Official. Platforms or stairways shall terminate at a point not more than ten (10') feet above the grade directly below the lowest platform for buildings containing three (3) or more units and fifteen (15') feet above the grade directly below the lowest platform for one (1) and two (2) unit dwellings. Platforms shall have a minimum size of three (3') feet by four (4') feet. All stairways and platforms shall be protected with handrails and guardrails as specified

in the Wisconsin Administrative Code. Variances to the height limitations specified above may be approved by the Board of Housing Appeals provided the platforms or stairs are maintained in a sound structural condition.

4. Arrangement. Exits from dwellings, dwelling units, and lodging units shall not lead through other such units, or through toilet rooms or bathrooms.

5. Security. Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

C. Unobstructed Passageways.

1. Stairways, passageways, doors, windows, fire escapes or other means of egress shall be kept open and unobstructed. Exterior exits shall be unobstructed.

2. Hazardous Material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Building Code and the Fire Prevention Code.

D. Fuel Oil Tanks. Abandoned fuel oil tanks shall be referred by the Code Official to the Fire Prevention Bureau for review and disposition.

E. Fire Resistance Ratings.

1. General. The Fire Resistance rating of floors, walls, ceilings, and other elements and components required by the Building Code shall be maintained.

2. Fire Doors and Smoke Barriers. All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

F. Fire Protection Systems.

1. General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof, shall be maintained in good working condition and be capable of performing their intended function.

2. Smoke Detectors. The responsible person of a dwelling, dwelling unit and lodging room shall

install a functional smoke detector as follows:

a. One and Two Family Dwellings Constructed Prior to June 1, 1980.

(1) In the basement of the dwelling.
(2) On each floor, except the attic or storage area of each dwelling unit.

b. One and Two Family Dwellings Constructed After June 1, 1980.

(1) In the basement.
(2) On each floor level, except the attic or storage area of each dwelling unit.

(3) For floor levels containing a sleeping area, smoke detectors shall be installed adjacent to the sleeping area. If a floor level contains two (2) or more sleeping areas remote from each other, each sleeping area shall be provided with an adjacent smoke detector.

(4) Smoke detectors shall be continuously powered by the electrical service in the dwelling and shall be interconnected.

(5) For family dwelling units with split levels or open adjacent levels with less than one (1) full story separation between levels, one (1) smoke detector on the upper level shall suffice for an adjacent lower level, including basements.

c. Apartment Buildings, Condominiums, Townhouses Exceeding Sixty (60) Feet (or Six Stories), and All Lodging Houses.

(1) In the basement.
(2) At the head of every open stairway.
(3) At the door on each floor level leading to every enclosed stairway.

(4) Either in each sleeping area of each dwelling unit or elsewhere in the unit within six (6') feet of each sleeping area and not within a kitchen.

(5) All smoke detectors in stairways, corridors and other public places in the building shall be directly and permanently wired to a proper unswitched circuit.

d. MultiFamily Dwelling Constructed After April 1, 1995; Additions to MultiFamily Dwelling Constructed After April 1, 1995; Conversion to MultiFamily Dwelling After April 1, 1995.

(1) In the basement.
(2) At the head of every open stairway.
(3) At the door on each floor level leading to every enclosed stairway.

(4) Either in each sleeping area of each dwelling unit or elsewhere in the unit within six (6') feet of each sleeping area, but not within a kitchen.

(5) All smoke detectors shall be directly and permanently wired to a proper unswitched circuit and be provided with a backup source of power.

e. Installation. All smoke detectors shall be installed in accordance with the Building Code and the manufacturer's instruction. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

f. Tampering Prohibited. It shall be a violation of this Code for any person to remove or tamper with the smoke detector.

g. Maintenance. The responsible person shall maintain all smoke detectors in the common areas of all residential buildings. The occupant of a dwelling or dwelling unit shall maintain any smoke detector in that dwelling or dwelling unit, except that if any occupant who is not the responsible person, or a State, County, City, Village or Town officer, agent or employee charged under State Statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the responsible person that the smoke detector is not functional, the responsible person shall provide within twenty-four (24) hours after receipt of that notice, any maintenance necessary to make that smoke detector functional.

16.251 REINSPECTION FEES

To compensate the City for inspection and administrative costs related to the enforcement of this Chapter, an escalating fee established by the Common Council through Resolution may be charged for any reinspection following the initial inspection which resulted in an order for corrective action and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee for a final inspection indicating compliance or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order. Reinspection fees which are not paid by or on behalf of the property owner within thirty (30) days of mailing of an invoice to the property owner of record on the City tax roll shall be charged and collected as a special assessment against the real estate upon which the reinspections were made, and shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be a One Hundred (\$100.00) Dollar administrative charge added to the fee and special assessment to cover the administrative costs of charging and specially assessing the property.

16.26 PENALTIES

A. Violation Penalties. Any person who shall violate a provision of this Code, shall, upon conviction, be subject to a forfeiture of not more than One Thousand (\$1,000.00) Dollars, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense. Failure to promptly pay said forfeiture shall subject the violator to be sentenced to the County Jail for a period not to

exceed sixty (60) days.

B. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a structure or premise, or to stop an illegal act, conduct business or utilization of the structure or premise.